

**MANDATE**

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United States Court of Appeals

FOR THE  
SECOND CIRCUIT

S.D.N.Y. - NYC  
07-cv-4687  
Marrero, J.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30<sup>th</sup> day of June, two thousand eight,

Present:

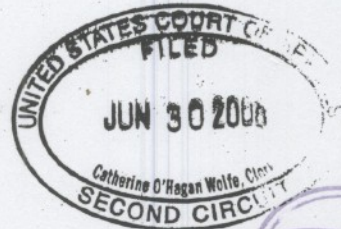
Hon. Roger J. Miner,  
Hon. Joseph M. McLaughlin,  
Hon. José A. Cabranes,  
*Circuit Judges.*

Mara Martinez,

*Plaintiff-Appellant,*

v.

M.D. Sundaram Ravikumar,  
Superintendent Dolores Thornton,

*Defendants-Appellees.*

08-2068-pr



Appellant, *pro se*, moves for leave to proceed *in forma pauperis* ("IFP"). Upon due consideration, it is hereby ORDERED that the motion is DENIED as unnecessary because Appellant's IFP status was never revoked by the district court and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e). Appellant is not precluded from refiling her suit once she has exhausted her administrative remedies under 42 U.S.C. § 1997e(a). *See Berry v. Kerik*, 366 F.3d 85, 87 (2d Cir. 2003).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

SAO-JW

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk

by 

DEPUTY CLERK

ISSUED AS MANDATE: 8/15/08